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MAR 25 1996

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FEDERAL COMMUNICATIONS COMMISSION
March 25, 1996 OFFICE OF SECRETARY

HAND DELIVER

William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

ATTN: 1800D5/Allocations Branch, Policy and Rules Division


RE: Petition for Rulemaking to Change Community of License
for WGLY(FM) from Waterbury, Vermont to Essex Junction,
Vermont

Dear Mr. Caton:

Transmitted herewith on behalf of Family Broadcasting, Inc. is an original and four (4) copies of its "Petition for Rule Making and Request for Modification of License," requesting a change in the FCC's Table of Allotments to assign channel 277C3 to Essex Junction, Vermont, rather than Waterbury, Vermont. Should any questions arise concerning this matter, kindly contact the undersigned directly.

Respectfully submitted,

FAMILY BROADCASTING, INC.

By: 
Joseph E. Dunne III
Its Attorney

JED:B91
enclosure
xc: WGLY(FM) Public File
Alex D. McEwing

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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MAR 25 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Amendment of Section 73.202(b))
Table of Allocations)
FM Broadcast Stations)
(Waterbury and Essex Junction,)
Vermont))

MM Docket No.

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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**PETITION FOR RULEMAKING AND
REQUEST FOR MODIFICATION OF STATION LICENSE**

Family Broadcasting, Inc. (hereinafter "Family" or "Petitioner")), by its undersigned attorney and pursuant to section 1.401 of the Commission's rules and regulations, 47 CFR § 1.401 (1995), hereby petitions the Commission to institute a rule making proceeding seeking to reassign channel 277C3 from Waterbury, Vermont to Essex Junction, Vermont, thereby changing the table of allocations as follows:

ALLOTMENTS

<u>COMMUNITY</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Waterbury, Vermont	277C3	None
Essex Junction, Vermont	None	277C3

In addition, Petitioner respectfully requests the Commission to modify Family's license for FM broadcast station WGLY to specify operation on channel 277C3 in Essex Junction, Vermont. No other change to the table of allotments, technical or otherwise, is proposed in this Petition. In support of this Petition, Family

shows and states as follows.

1. Petitioner is the licensee of WGLY, channel 277C3, in Waterbury, Vermont. The instant Petition meets all Commission criteria for approving a change in community of license. This proposed change in allotment will not deprive Waterbury of its only local transmission service. Waterbury has been served by standard broadcast station KDEV for over 64 years. Essex Junction, although it is a larger community and growing more quickly than Waterbury, at present is without any aural or video transmission service of any kind. Grant of the instant Petition will provide Essex Junction with its first and only local transmission service. See, Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations To Specify a New Community of License, 5 FCC Rcd 7094, 7097, 68 RR 2d 644, 650 (1990). No other changes, technical or otherwise, are proposed by this Petition. Accordingly, grant of this Petition serves the public interest.

2. At present there are no other AM or FM radio stations assigned to or licensed to Essex Junction, Vermont. Essex Junction is a self-governing village, with a 1990 census population of 8,396. The community is one of the most rapidly growing in Vermont, and the population has increased by at least 50 percent since the last census. Essex Junction is governed by an elected mayor and a board of six elected selectmen. It has its own school system and fire department, as well as its own department of recreation and its own library. The village of Essex Junction and the town of Essex share a police department.

3. Waterbury, on the other hand, has a 1990 census population of 1,702. The community has not been growing much at all since the 1990 census, while Essex Junction's has been growing vigorously. Waterbury is now served by both an AM station, KDEV, and by WGLY(FM), which is licensed to Family.

4. The change proposed here may be accomplished without any other changes to the Commission's table of allotments, or to the technical standards with which the Commission and Family are familiar. No change in service area is proposed, there are no increases or decreases in white or gray area proposed here. WGLY presently places the required 3.16 mV/m signal over the community of Essex Junction utilizing the station's present site and facilities.¹

5. The application of the Commission's FM allotment priorities and policies to the communities of Waterbury and Essex Junction demonstrates that grant of Family's Petition will result in a preferential arrangement of allotments. See, Revision of FM Assignments, Policies and Procedures, 90 FCC 2d 88, 92 (1982). Since there is no change in the station's facilities proposed, there will be no change in either first or second aural service. However, grant of the instant Petition will provide the first local service to Essex Junction (priority 3). In addition, an evaluation of the fourth criterion, "other public interest factors," makes Essex Junction's case even stronger. A local AM station already

¹. See, application to modify WGLY license, BMPH-941207IA, Exhibit D-5.

provides service to Waterbury; Essex Junction is unserved by any other radio or television station. Essex Junction has a population over four times that of Waterbury, and has been growing at a much faster rate than Waterbury; Waterbury, by comparison to Essex Junction, has been economically and demographically somnolent. Essex Junction is more centrally located when compared to WGLY's listener base, and WGLY's studios are already located in Essex Junction. Family's president and all of its corporate officers live in Essex Junction. Changing WGLY's community of license will result in a new local transmission service to a presently unserved community as well as increased service throughout all of WGLY's coverage area.

6. Because this Petition seeks no change in technical facilities, and because channel 277C3 will not be available for use in any other community, Petitioner's license may be modified to specify a new community of license pursuant to section 1.420(i) of the Commission's rules. 47 CFR § 1.420(i) (1995).

7. In summary, the reassignment of channel 277C3 from Waterbury to Essex Junction would provide first ever local transmission service to a larger and more economically vibrant community. Allotment of the channel to Essex Junction will not leave Waterbury void of local transmission service, since WDEV has served Waterbury for over 60 years. The location of Family's studios and principals indicates that a change in community of license may actually improve WGLY's potential for service to listeners in its existing service area. In short, the proposed

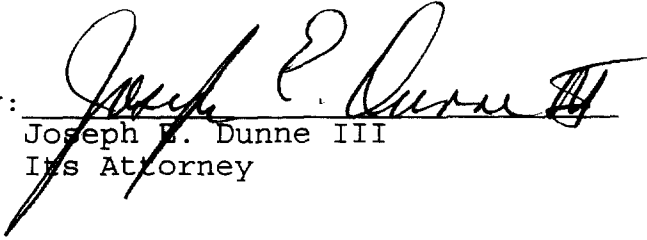
reassignment of channel 277C3 from Waterbury to Essex Junction meets all of the criteria set forth in Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, supra, is in the public interest, and thus should be speedily granted.

WHEREFORE, the foregoing considered, Family Broadcasting, Inc. respectfully urges the Commission to reassign channel 277C3 from Waterbury, Vermont to Essex Junction, Vermont, and modify the existing Family license for WGLY(FM) to specify Essex Junction as its community of license.

Respectfully submitted,

FAMILY BROADCASTING, INC.

By:


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Its Attorney

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